

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

KIMBERLY-CLARK CORPORATION,

Plaintiff,

v.

MCKESSON MEDICAL-SURGICAL INC.,  
VICTOR BAKKAR, CLARE MEDICAL, INC.,  
and HERBERT A. TOMS III,

Defendants.

Civil Action No. 3:18-cv-02

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**STIPULATED MOTION FOR EXTENSION OF TIME**

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Plaintiff, Kimberly-Clark Corporation (“K-C”), hereby moves this Court for an extension of the deadlines: (1) to respond to Defendants’ motions to dismiss, from April 9, 2018, to May 16, 2018; and (2) to file an amended complaint, from April 16, 2018, to May 16, 2018. K-C respectfully submits that this extension should be granted for the following reasons:

1. K-C commenced this action on January 2, 2018, after which it served the Defendants. The Defendants thereafter sought two extensions of time to file their respective responsive pleadings; K-C stipulated to both those extensions, and the Court granted them, most recently giving Defendants until March 26, 2018 to file their responsive pleadings.
2. On March 26, 2018, the Defendants filed two separate motions to dismiss.
3. Under Eastern District of Virginia Local Rule 7(F)(1), K-C’s responses to those motions to dismiss would be due by April 9, 2018; however, the parties have agreed to explore resolution and have engaged in early settlement discussions, such that they believe that an extension of time would facilitate the possibility of early resolution.
4. Additionally, in lieu of filing an opposition to the pending motions to dismiss, K-

C may wish to amend its complaint as a matter of right under Federal Rule of Civil Procedure 15; under Rule 15(a)(1)(B), K-C's amended complaint would be due by April 16, 2018.

5. Therefore, in order to avoid K-C's incurring the additional expense required to prepare and file response briefs and/or an amended complaint, the parties have agreed that K-C should receive an extension of the deadlines to file those documents. The parties are hopeful that their settlement efforts will be successful and make the preparation and filing of those documents unnecessary.

6. The Defendants have stipulated to this extension. The parties have further stipulated that, in the event this requested extension is granted, Defendants shall have: (1) until May 25, 2018 to file replies to K-C's responses to the motions to dismiss; and (2) until June 1, 2018 to file an answer and/or motion as to any amended complaint filed by K-C.

7. Because the time for K-C to file its response and amended complaint has not yet passed, no separate brief in support of this motion is required pursuant to Eastern District of Virginia Local Rule 7(F)(2).

8. Attached is a proposed order granting K-C's requested extension.

For the foregoing reasons, K-C respectfully requests that this Court grant this stipulated motion and enter an Order extending the deadlines: (1) to respond to Defendants' motions to dismiss, from April 9, 2018, to May 16, 2018; and (2) to file an amended complaint, from April 16, 2018, to May 16, 2018. In the event that the foregoing request is granted, K-C further requests that Defendants be given: (1) until May 25, 2018 to file replies to K-C's responses to the motions to dismiss; and (2) until June 1, 2018 to file an answer and/or motion as to any amended complaint filed by K-C.

DATED: April 5, 2018

/s/ Jeffrey S. Rosenberg

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**CERTIFICATE OF SERVICE**

I hereby certify that, on the 5th day of April, 2018, I electronically transmitted the enclosed Stipulated Motion for Extension of Time to the Clerk of Court using the CM/ECF system for filing and transmittal of a Notice of Electronic Filing to the following ECF Registrants:

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